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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,248	07/29/2003	Stephen Mark Mueller	P23666	5445
7055	7590	04/20/2007	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C.			BRUCKART, BENJAMIN R	
1950 ROLAND CLARKE PLACE			ART UNIT	PAPER NUMBER
RESTON, VA 20191			2155	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE	DELIVERY MODE	
3 MONTHS		04/20/2007	ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/20/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[gbpatent@gbpatent.com](mailto:gbpatent@gbpatent.com)  
[pto@gbpatent.com](mailto:pto@gbpatent.com)

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/628,248	MUELLER ET AL.
	Examiner	Art Unit
	Benjamin R. Bruckart	2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 17 May 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>20060210, 20031107</u> .	6) <input type="checkbox"/> Other: _____

### **Detailed Action**

Claims 1-20 are pending in this Office Action.

### **Information Disclosure Statement**

The information disclosure statements filed on 2/20/2007 and 11/7/2003 have been considered.

### **Specification**

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

#### *Arrangement of the Specification*

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Applicant is missing a Brief Summary of the Invention (g).

**Claim Rejections - 35 USC § 112**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the limitation "the required" information in the last limitation of the claim. Similarly claim 15 claims 'the required information.' There is insufficient antecedent basis for this limitation in the claim. Claim 15 recites "the information" required to setup the session. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-6, 9-20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,162,474 by Harker et al.**

Regarding claim 1, a system for providing a presence component in a telecommunications network in which a session to a session terminator is requested by a session initiator (Harker: col. 2, lines 7-13, 29-35), comprising;

a presence server that receives a request for presence information and processes the request by comparing the session initiator's identity to preferences of the session terminator and returning a preferred treatment to the session initiator (Harker: col. 3, lines 7-10; col. 4, lines 61-65),

wherein the session is initiated based upon the preferred treatment (Harker: col. 2, lines 14-26).

Regarding claim 2, the system of claim 1, further comprising service logic that receives the request from the session initiator and forwards the request to the presence server (Harker: col. 2, lines 7-35).

Regarding claim 3, the system of claim 2, in which the session initiator further comprises a user agent client that forwards the request to the service logic (Harker: col. 4, lines 43-48), and a call user agent client that initiates the session (Harker: col. 4, lines 48-65).

Regarding claim 4, the system of claim 1, in which the session initiator further comprises a presence user agent client that forwards the request to the presence server (Harker: col. 4, lines 43-48), and a call user agent client that initiates the session (Harker: col. 4, lines 48-65).

Regarding claim 5, the system of claim 4, in which the session initiator initiates the session by sending an INVITE message to the session terminator based upon the preferred treatment (Harker: col. 4, lines 48-61).

Regarding claim 6, the system of claim 1, in which the presence server requests additional information about the session and processes the request based upon the additional information (Harker: col. 4, lines 44-65).

Regarding claim 9, the system of claim 1, further comprising a session control infrastructure, the session being initiated via the session control infrastructure (Harker: col. 4, lines 50-65).

Regarding claim 10, a system for providing a presence component in a public switched telephone network (Harker: col. 2, lines 7-13, 29-35; col. 1, line 16), comprising:

    a service switching point that receives a telephone call origination from a calling party, the call being placed to a called party (Harker: col. 2, lines 7-35);

    a service control point that receives a query from the service switching point in response to the call origination, the query identifying the calling party and the called party (Harker: col. 4, lines 43-65); and

    a presence server that receives a request for presence information from the service control point, the request identifying the calling party and the called party, the presence server processing the request by comparing the calling party identity to preferences of the called party and returning a preferred treatment to the service control point (Harker: col. 3, lines 7-10; col. 4, lines 61-65),

wherein the service control point instructs the service switching point to establish the call when the preferred treatment indicates that the called party will accept the call (Harker: col. 2, lines 7-26).

Regarding claim 11, the system of claim 10, further comprising an intelligent peripheral that collects additional information from the calling party (Harker: col. 4, lines 50-65),

wherein the presence server processes the request based on the additional information (Harker: col. 4, lines 43-65).

Regarding claim 12, the system of claim 10, further comprising an intelligent peripheral that informs the calling party when the preferred treatment indicates that the called party does not accept the call, and the service control point does not instruct the service switching point to establish the call when the preferred treatment indicates that the called party does not accept the call (Harker: col. 4, lines 27-32; col. 5, lines 4-20).

Regarding claim 13, a system for providing a presence component in a wireless telecommunications network in which a session to a session terminator is requested by a mobile device (Harker: col. 2, lines 7-13, 29-35; col. 4, line 46), comprising;

a presence server that receives a request for presence information and processes the request by comparing the mobile device's identity to preferences of the session terminator and returning information required to set up the call to the mobile device (Harker: col. 3, lines 7-10; col. 4, lines 61-65),

wherein the session is initiated based upon the required information (Harker: col. 2, lines 14-26).

Regarding claim 14, the system of claim 13, further comprising service logic residing in the wireless network, the service logic receiving the request from the mobile device and requesting preferred session parameters from the mobile device, the service logic forwarding the request, including the preferred session parameters to the presence server (Harker: col. 4, lines 43-65).

Regarding claim 15, the system of claim 14, in which the mobile device further comprises:

a user agent client that forwards the request to the service logic and prompts a user to enter the preferred session parameters, the user agent client receiving the information required to set up the session from the service logic, which received the information from the presence server (Harker: col. 4, lines 43-65), and

a call user agent client that initiates the session based on the required information, which is received from the user agent client (Harker: col. 4, lines 54- col. 5, line 20).

Regarding claim 16, a method for incorporating presence into a telecommunications environment (Harker: col. 2, lines 7-13, 29-35), comprising:

communicating with a presence platform to obtain presence information for another telecommunications subscriber (Harker: col. 3, lines 7-10; col. 4, lines 61-65);

initiating a telecommunications session with the other subscriber in response to the obtained presence information (Harker: col. 4, lines 43-61).

Regarding claim 17, the method of claim 16, further comprising:

forwarding preferred session parameters to the presence platform (Harker: col. 4, lines 44-65); and

determining the presence information based on the preferred session parameters (Harker: col. 4, lines 43- col. 5, line 20).

Regarding claim 18, the method of claim 16, in which the obtained presence information comprises instructions to forward to voice mail, and

in which the initiating further comprises connecting to the voice mail (Harker: col. 5, lines 21-26).

Regarding claim 19, the method of claim 16, in which the obtained presence information indicates that the session terminator is unavailable or busy (Harker: col. 4, lines 23-32), and

in which the initiating further comprises not initiating the session and informing the session initiator that the session request was rejected (Harker: col. 4, lines 23-32).

Regarding claim 20, the method of claim 16, in which the preferred session parameters comprise at least one of session type, urgency, and subject (Harker: col. 5, lines 4-26).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable by U.S. Patent No. 7,162,474 by Harker et al in view of U.S. Patent Publication 2004003046 by Grabelsky et al.**

Regarding claim 7, the Harker reference teaches the system of claim 1.

The Harker reference fails to teach SIP.

However, the Grabelsky reference teaches, further comprising a session initiation protocol (SIP) proxy server including service logic that receives the request from the session initiator and forwards the request to the presence server, wherein the SIP proxy server initiates the session by sending an INVITE message to the session terminator based upon the preferred treatment (Grabelsky: page 3, para 33; page 5, para 46; page 6, para 54-56) in order to timely, cost-efficiently bridge connections through a server (Grabelsky: page 1, para 2, 8-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Harker to include SIP proxy server and INVITE messages as taught by Grabelsky in order to timely, cost-efficiently bridge connections through a server (Grabelsky: page 1, para 2, 8-9).

Regarding claim 8, the Harker reference teaches the system of claim 7.

The Harker reference fails to teach SIP.

However, the Grabelsky reference teaches, in which the SIP proxy server requests additional information from the session initiator and the wherein the presence server processes the request based upon the additional information (Grabelsky: page 5, para 44) in order to timely, cost-efficiently bridge connections through a server (Grabelsky: page 1, para 2, 8-9).

It would have been obvious at the time of the invention to one of ordinary skill in the art to create the system as taught by Harker to include SIP proxy server and INVITE messages as taught by Grabelsky in order to timely, cost-efficiently bridge connections through a server (Grabelsky: page 1, para 2, 8-9).

### Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U. S. Patent No. 20040180646 by Donley et al teaches performing telephony among a plurality of subscribers with SIP (page 1, para 10).

U. S. Patent No. 20040170263 by Michael et al teaches dynamic presence proxy information (page 1, para 5-9).

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and after final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the examiner whose telephone number is 571-272-3982.

Benjamin R Bruckart  
Examiner  
Art Unit 2155

*Saleh Najjar*  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER